

REMARKS

In response to the Restriction Requirement mentioned above, Applicant elected to proceed with further examination on the species of the invention shown in Figures 9-11, namely, claims 1-7, 10-13, 32, 33 and 36-39. Further, as agreed between the Examiner and Attorney for Applicant, the amended claims are submitted herewith to more clearly define the invention for compliance with the election. Specifically, the independent claims 1, 11, 32 and 36 have been amended to require that a balloon be used for moving the flexible member between its configurations, and that the cutting initiators be longitudinally oriented. Support for these amendments is found in Figures 9-11.

A concern of the Examiner in this matter has been the disclosure of U.S. Pat. No. 5,395,331 (O'Neill et al). On this point, however, Applicant contends the amended claims now contain limitations pertaining to the structure and cooperation of structure that are neither taught nor suggested by the O'Neill reference. Specifically, O'Neill et al. do not disclose an underlying balloon as an inflating means, and they do not disclose longitudinally oriented cutting initiators as now claimed for the present invention.

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The application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at (619) 688-1300 for any reason that would advance the instant application to issue.

Dated this 8<sup>th</sup> day of September, 2005.

Respectfully submitted,

  
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